

**United States District Court**  
For the Northern District of California

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## IN THE UNITED STATES DISTRICT COURT

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UNITED STATES OF AMERICA,

No. CR 05-00611 WHA

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Plaintiff,

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v.

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KURT F. JOHNSON and  
DALE SCOTT HEINEMAN,**ORDER DENYING DEFENDANTS'  
REQUEST FOR LEAVE TO FILE A  
MOTION FOR RECONSIDERATION  
AND REQUEST FOR SUPPLEMENTAL  
BRIEFING**

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Defendants.

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Defendants Kurt F. Johnson and Dale Scott Heineman move *pro per* for leave to file a motion for reconsideration “on all previous orders of the court” (Dkt. No. 775). Pursuant to Civil Local Rule 7-9, which applies to this matter pursuant to Criminal Local Rule 2-1, no party may notice a motion for reconsideration without first obtaining leave of Court to file the motion. The moving party must:

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specifically show: (1) That at the time of the motion for leave, a material difference in fact or law exists from that which was presented to the Court before entry of the interlocutory order for which reconsideration is sought. The party also must show that in the exercise of reasonable diligence the party applying for reconsideration did not know such fact or law at the time of the interlocutory order; or (2) The emergence of new material facts or a change of law occurring after the time of such order; or (3) A manifest failure by the Court to consider material facts or dispositive legal arguments which were presented to the Court before such interlocutory order.

Defendants make no such specific showing in their generalized request for leave to file a motion to reconsider “all previous orders of the court.” Thus, the request for leave to file a motion for

1 reconsideration **DENIED**. Defendants also request supplemental briefing "on their claims." This  
2 generalized request for supplemental briefing is **DENIED**. The Clerk shall serve this order on  
3 defendants Johnson and Heineman and the government.

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5 **IT IS SO ORDERED.**

6 *Wm Alsup*

7 Dated: December 12, 2011.

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

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